

**CITIZENS' COMMISSION ON  
JAIL VIOLENCE**

**EXECUTIVE SUMMARY  
FOURTEENTH REPORT  
OF THE IMPLEMENTATION MONITOR  
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# **FOURTEENTH REPORT OF THE IMPLEMENTATION MONITOR**

## **EXECUTIVE SUMMARY**

### **INTRODUCTION**

Since submitting my Thirteenth Report on April 8, 2014, regarding the recommendations of the Citizens' Commission on Jail Violence (the "Commission") implemented by the Los Angeles Sheriff's Department (the "Department"), I met with representatives of the Department to discuss the status of the Department's implementation of the Commission's remaining recommendations. I also met with representatives of the Department and a member of the OIG to review the Department's continuing adherence to the recommendations that have been implemented by the Department. I attended a meeting with the Department, County Counsel, and the Chief Executive's Office to discuss the CEO's classification of auditor positions for the Department's Internal Monitoring, Performance Audits, and Accountability Command ("IMPAAC"). I also attended a meeting with the Department and the Board's Consultants to review the new protocols developed for the investigation and review of force incidents in Custody Operations. I reviewed the revisions to the Supervisors Use of Force Report form and the new check-list forms created to ensure that the force incidents are thoroughly investigated and appropriately reviewed, and I also reviewed the Department's Use of Force statistics through June 30, 2013. Finally, I worked with the County Counsel's office and the Inspector General on the ordinance to create the OIG.

The status of the Department's implementation of the Commission's recommendations is again unchanged since my last Report, although the Department has made progress in staffing the IMPAAC and in developing the annual training for existing personnel by the Custody Training & Standards Bureau. Subject to the Board's authorization of funding, the Department plans to implement most of the Commission's remaining recommendations over the next two

fiscal years in accordance with the Department's Proposed Budget Timeline submitted to the Board on October 1, 2013. The Commission's recommendations for additional supervisors (Recommendation 6.5) will be implemented by the end of this calendar year. The recommendations for additional training (5.2, 5.3, 5.8, 6.1 and 6.3), additional investigators (7.6), an internal auditing command (4.12), and a computer upgrade should be fully implemented in fiscal year 2015-16.

The Department has completed its assessment of the operational needs of its jail facilities (Recommendation 4.11), and has asked for additional clerical staff to handle administrative responsibilities that sworn deputies and Custody Assistants now handle. This would free up additional deputy and Custody Assistant positions for the cost of clerical staff. It is anticipated that these additional clerical positions will be in a letter that the Chief Executive's Office will be submitting to the Board for Phase 2 of the Department's budget timeline.

The Department has now obtained from the Chief Executive Officer a classification for auditor positions with the necessary skill set to conduct internal performance audits and inspections of the Department. (Recommendation 4.12.) The Department also has installed two body scanners in the Inmate Reception Center ("IRC") and is nearing completion of the 90-day pilot program. (Recommendation 3.12). Finally, the Department is in the process of developing its annual training plans for Custody supervisors and Custody personnel that will be conducted by the Custody Training & Standards Bureau. (Recommendations 6.1, 6.3.)

As reflected in the summary chart set forth below, the Department has implemented 45 of the Commission's 60 recommendations; partially implemented another 10 recommendations and is in the process of implementing another 5 recommendations.

<b>Category</b>	<b>Implemented</b>	<b>Partially Implemented</b>	<b>In progress</b>	<b>Total</b>	<b>Funding Approved</b>
Use of Force	10	0	2	12	2
Management	12	0	2	14	1
Culture	5	3	0	8	3
Personnel/ Training	5	5	0	10	3
Discipline	12	2	1	15	5
Oversight	1	0	0	1	0
<b>Total</b>	<b>45</b>	<b>10</b>	<b>5</b>	<b>60</b>	<b>14</b>

Sheriff John Scott has now implemented a reorganization that differs in some respects from the Commission’s recommendations implemented by Sheriff Baca. The Assistant Sheriffs, the Chief of the Professional Standards Division (formerly the Internal Investigation Division), which includes the Internal Affairs Bureau (“IAB”), and the Captain of the Internal Criminal Investigations Bureau (“ICIB”) report to an Executive Officer, who reports to the Sheriff. The Commander of IMPAAC, the Chief of Staff, and the Legal Advisor report directly to the Sheriff in the reorganized Department.

## **USE OF FORCE**

On January 1, 2013, the Department promulgated a new Use of Force Policy and distributed to each Deputy Sheriff and Custody Assistant a comprehensive Use of Force Manual (the “Force Manual”) relating to the use and reporting of force by Department personnel. The Department’s revised Force Manual was published on July 22, 2013. It is available in electronic

form and Department personnel will be notified electronically whenever there is an update or revision of any of the policies, procedures and provisions in the Force Manual. The revised Force Manual implemented most of the Commission's force recommendations.

The Department has now approved a revised Use of Force Policy that is consistent with the California Supreme Court's decision in *Hayes v. County of San Diego*, 57 Cal. 4th 622 (2013) that was issued last year. In *Hayes*, the Court held that negligence liability under California law "can arise if the tactical conduct and decisions *leading up to* the use of deadly force show, as part of the totality of circumstances, that the use of deadly force was unreasonable" as opposed to looking just at the circumstances "*at the time* the force is applied." The Department's revision will be issued after its representatives meet with the deputies' and Custody Assistants' unions. The Department also has issued a Training Bulletin that discusses the effect of the *Hayes* decision and reminds Department members "that their tactical conduct and decisions leading up to their use of force may be considered as part of the totality of circumstances for determining *liability for negligence* under California state law".

With respect to the remaining Force recommendations, the Compliance Lieutenants assigned to each jail (and one to North and South) are in place to track force investigations and analyze inmate grievances about use of force, and management rigorously reviews and analyzes force incidents in Custody Operations. The Department is now able to track inmate grievances by deputies' names in the Personnel Performance Index (PPI), and it is in the process of further upgrading the Department's data tracking system with a target date of December 2016 to complete the project. Finally, the Department has installed two body scanners in the Inmate Reception Center and nearly completed the 90-day pilot program.

## **MANAGEMENT**

Sheriff Baca extensively reorganized the management of the Department with four Assistant Sheriffs responsible for overseeing Custody Operations, Patrol Operations, Countywide Services, and Administration & Professional Standards reporting directly to the Sheriff. In addition, he appointed a Chief of Staff and a Chief of a new Internal Investigations Division, who also reported directly to him.

Sheriff Scott has now reorganized the Department so that the four Assistant Sheriffs report to him through the Executive Officer. Under the reorganization, the Chief of Staff, the Legal Advisory Unit, and the Internal Monitoring, Performance Audits and Accountability Command (“IMPAAC”) (formerly the Inspectional Services Command) report directly to the Sheriff, while the Professional Standards Division (which includes IAB), ICIB, and the Sheriff’s Headquarters Bureau report to the Executive Officer.

Following the Commission’s recommendation, Sheriff Baca appointed Terri McDonald as the Assistant Sheriff responsible for the Department’s Custody Operations. She has reorganized the Custody Division into a Custody Services Division – General Population and a Custody Services Division – Specialized Programs under Chiefs who report directly to her and they are actively managing Custody Operations. The four high level managers who directly or indirectly had supervision over the jails during the periods reviewed by the Commission have now all left the Department and there is an entirely new team running Custody Operations.

Sheriff Scott has expanded the scope of IMPAAC to coordinate and provide standardized reports for crime management forums as well as risk management forums. With respect to risk management, IMPAAC will receive information about claims and lawsuits from the

Department's Risk Management Bureau and liaison with designated risk officers in each bureau. The Department has assigned a Commander and a Captain to oversee IMPAAC and filled 21 of the 23 authorized positions, including all sworn staff. The Department has now filled the Auditor Consultant position and has obtained from the Chief Executive Officer a classification for the auditor positions that will require the necessary skill sets to conduct audits and inspections of a law enforcement agency. The Commander of IMPAAC is working with the Department's Personnel Unit to develop the new auditor classification and specifications. The Department will then post the job bulletin, review applications, administer examinations, and post a qualified list before hiring the outside auditors. The Department anticipates that it will take approximately nine to twelve months to complete this process.

## **CULTURE**

Under Sheriff Baca, the Department emphasized respect for and communications with inmates through the Force Prevention Policy, the Education Based Incarceration program, and Town Hall meetings, and Sheriff Scott is committed to continuing the Department's reforms. The Department has enhanced the training of new Custody Division personnel in the principles of the Force Prevention Policy, ethics, and destructive cliques, and the newly created Custody Training & Standards Bureau is now providing an eight hour block of additional force and ethics training to current Custody deputies and Custody Assistants. Additional training in the Force Prevention Policy and ethics will be a regular part of the annual training curriculum that is being developed by the Custody Training & Standards Bureau. Under the Dual Track Career Path, the Department promoted several deputies in Custody to be sergeants in Custody in the last two rounds of promotions.

The Department has also enhanced the penalty guidelines for dishonesty to further address the culture problems identified by the Commission. Finally, each facility has developed a rotation policy taking into consideration its size, configuration, and inmate population. A recent audit indicated that all of the facilities have at least 94.2% compliance with their rotations policies and most have 100% compliance.

## **PERSONNEL AND TRAINING**

The newly created Custody Training & Standards Bureau has rolled out an eight-hour block of additional force and ethics training for existing Custody personnel. The Bureau also worked with the Mental Health Department to develop a course that has been taught since the beginning of the year for dealing with mentally ill inmates that will be part of the annual 24-hour block of training for deputies in Custody Operations. The Custody Training & Standards Bureau is in the process of developing an annual training plan for supervisors and for existing personnel that will also include a Force Refresher (practical application). In addition to the 24 existing training positions assigned to the Custody Training & Standard Bureau, the Department has now assigned all of the newly authorized sworn positions in the bureau.

The Department has filled the 42 newly authorized sergeant positions and assigned 2 additional lieutenants to Custody Operations. With respect to the 47 sergeant positions requested in the next fiscal year, once funding is authorized by the Board, the Department anticipates filling 24 of the positions in July and the remaining 23 positions in December.

The Department has increased the ratio of Custody Assistants to Deputy Sheriffs to achieve the agreed upon 65/35 percent ratio. The Department has concluded, however, that only a limited number of additional positions may be handled by Custody Assistants without impairing the safety and security of the jail facilities.



## **DISCIPLINE**

The Department has revamped its investigative and disciplinary system so that all Administrative Investigations of Category 1 force incidents will be handled by the new Compliance Lieutenants and the Administrative Investigation of Category 2 force incidents in Custody Operations will be handled by the Internal Affairs Bureau (“IAB”). Sheriff Baca created an Internal Investigations Division and appointed a Chief of the Division to oversee both IAB and ICIB and to report directly to him. Sheriff Scott reorganized the Division, which he renamed the Professional Standards Division. IAB remains in the division while ICIB is now a stand alone bureau. The Chief of the Professional Standards Division and the Captain in charge of ICIB both report directly to the Executive Officer. This reorganization is consistent with the Commission’s recommendations, which reflected concerns that investigations by both IAB and ICIB should be vetted by a senior leader in the Department before being reviewed by the Sheriff and that the then Undersheriff should have no role in the investigative and disciplinary process.

The Department also has enhanced the penalties for dishonesty and excessive force, and the Custody Force Review Committee is rigorously reviewing Use of Force Packages. In addition, the Force Manual has now been revised to clarify the policies with respect to the review of videotaped footage and the separation of deputies involved in force incidents.

The Compliance Lieutenants assigned to each of the facilities (and one to North and South) are now conducting Administrative Investigations of Category 1 force incidents. The Department also has filled all of the newly authorized positions to the Professional Standards Division, and all of the newly authorized sworn positions to IAB and ICIB.

The Department is working to enhance the inmate grievance process, and has started the pilot program using iPad to electronically track the handling of grievances. The Department is

reviewing the entire process by which complaints are taken and handled by the Department for the purpose of making recommendations to review the process, which may include centralizing the in-take of the grievances and the monitoring the Department's handling of the grievances. The Department is planning to input inmate requests and grievances into the CARTS database from which it will be able to obtain more reliable data and reports about the requests and grievances. The CARTS deployment began at the North facility on November 5, 2013. The complaint module has been installed at all Custody facilities, and the "system is now operational and system acceptance has been accomplished."

The Department has appointed an Inmate Grievance Coordinator at the rank of lieutenant to oversee the Department's handling of inmate complaints. The Coordinator reviews monthly reports of inmate complaints and service requests within the Custody Services Divisions, but he does not appear to be conducting any analyses of the nature or extent of inmate grievances or the department's handling of the grievances.

Finally, the Department remains on track to acquire and install additional fixed cameras in lieu of lapel cameras as follows:

Facility	Number of cameras	Installation Completed	Network Online and operational
MCJ	238	August 2014	December 2014
TTCF	96	November 2014	December 2014
IRC	20	December 2014	December 2014
CRDF	491	December 2015	December 2015

## CONCLUSION

The Department has been fully cooperative with my efforts to monitor its implementation of the Commission's recommendations and it has implemented the vast majority of the recommendations. Since my last report, the Department has continued to implement fully most

of the remaining recommendations for additional supervisors, additional internal investigators, a Custody Training & Standards Bureau, an internal audit command, and an upgraded computer system. As I have noted before, full implementation will depend upon the approval of funding by the Board for these items in the next two fiscal years. Going forward, it will be incumbent upon the OIG to monitor the Department's implementation of the remaining recommendations and continuing adherence to recommendations it has already implemented.